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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/748,695

12/30/2003

Robert Coon

WEAT/0535

2005

36735 7590 04/06/2007
PATTERSON & SHERIDAN, L.L.P.
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HOUSTON, TX 77056

EXAMINER

COLLINS, GIOVANNA M

ART UNIT

PAPER NUMBER

3672

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

04/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/748,695

Applicant(s)

COON ET AL.

Examiner

Giovanna M. Collins

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-18,21-28 and 32-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,5-12,24-27,36-40,42 and 44-49 is/are allowed.
- 6) ☒ Claim(s) 13, 16-18,28,33 and 41 is/are rejected.
- 7) ☒ Claim(s) 14,15,32,34,35 and 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/21/07, 1/18/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/18/07 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 13 and 16-18,28,33 are rejected under 35 U.S.C. 102(b) as being anticipated by Reed 4532987.

Referring to claim 13, Reed discloses (fig. 7) a seal assembly for use in a wellbore tool, comprising: a first end adapter (see fig. 4, at G); a second end adapter (at D); a center adapter (58) disposed between the two end adapters; at least one substantially chevron-shaped first sealing element (50) disposed between the first end adapter and the center adapter in a first axial orientation, wherein the first sealing element in direct contact with the center adapter; and at least one substantially chevron-shaped second sealing element (52) disposed between the second end adapter and the

center adapter in a second axial orientation which is opposite to the first axial orientation, wherein the second sealing element is in direct contact with the center adapter, wherein a length of one of the adapters (at 106) is substantially greater than a combined length of a rest of the seal assembly.

Referring to claims 16-18,28, Reed disclose the adapters (at G, at D and 58) are made of metal and the sealing elements (50,52) are made of an elastomer.

Referring to claim 33, Reed discloses the adapters and sealing elements and adapters are annular (see fig. 1, adapters are at G and D and sealing elements are at E).

4. Claim 41 is rejected under 35 U.S.C. 102(b) as being anticipated by Cochran 3151681.

Cochran discloses (fig. 1-4) a tool for use in a wellbore, comprising a tubular housing (10) having a bore (at 12) therethrough and at least one flow port disposed through a wall thereof; a sleeve (35) slidably mounted within the housing, wherein the sleeve has a bore therethrough, at least one flow port (36) disposed through a wall thereof, the at least one sleeve flow port selectively alignable with the at least one housing flow port, and at least one equalization port (40) disposed through a wall thereof, wherein the sleeve equalization port is substantially smaller than the sleeve flow port; and a seal assembly (31, 30, 47,48) disposed between the housing and the sleeve, the seal assembly comprising an adapter (30) having a length that is substantially the same or greater than a length of the sleeve flow port.

Allowable Subject Matter

Claims 1,5-12,24-27,36-40,42 and 44-49 are allowed.

Claims 14-15,32,34-35,43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 13, 16-18,28,33 and 41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna M. Collins whose telephone number is 571-272-7027. The examiner can normally be reached on 6:30-3 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gmc

A handwritten signature in black ink, appearing to read 'Gm Collins', with a long horizontal line extending to the right.

Giovanna M. Collins
Patent Examiner
Technology Center 3670